

1 **ADAM WANG (BAR NO. 201233)**
 2 **ADAM PEDERSEN (BAR NO. 261091)**
 3 **LAW OFFICES OF ADAM WANG**
 4 12 S First Street, Suite 708
 San Jose, CA 95113
 Tel: 408-292-1040
 Fax: 408-416-0268
 adamqwang@gmail.com

5 **Attorneys for Plaintiffs**

6
 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

10 **CERVANTES, et. al.,**
 11 Plaintiff,
 12 vs.

13 **LIU CHENG INC., et. al.,**
 14 Defendants.

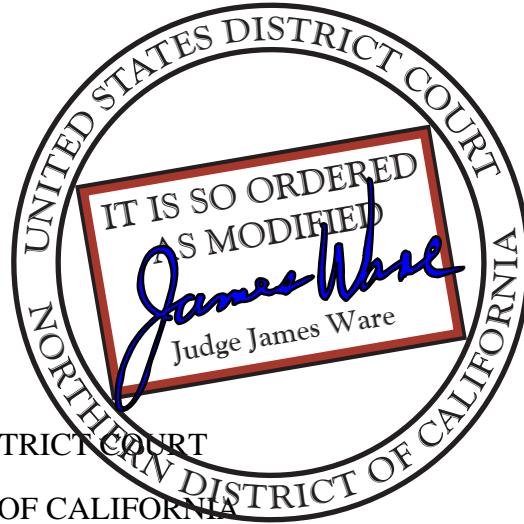
Case No.: **5:08-cv-03817-JW**

**STIPULATION TO REFER MATTER
 TO AN EARLY SETTLEMENT
 CONFERENCE; AND
 [PROPOSED] ORDER THEREON**

16
 17 The parties through their respective counsel hereby request that this Court refer them to an
 18 Early Settlement Conference before a Magistrate Judge within forty-five (45) days of entry of this
 19 Order or as soon thereafter as the schedule of the assigned Magistrate Judge will allow.

20 The Court-ordered discovery deadline has run. At this point, the parties have conducted
 21 extensive discovery. The facts on the records, although not devoid of disputes, are sufficiently
 22 developed to facilitate the parties' engagement in final efforts for settlement before the parties
 23 begin preparations for trial, which inevitably would be intensive and time consuming and would
 24 drive up costs and fees on both sides.

25 The parties have also engaged in a court-sponsored mediation. At mediation, much
 26 progress was made toward settlement, although resolution of the matter was not ultimately
 27 achieved. It is clear to both sides that if this matter does not settle promptly, trial will be
 28 imminent.



Given that extensive time and effort has already been invested in this matter, and that undoubtedly much more will be spent in preparation for trial, the parties agree that now is the time to push toward settlement in this matter. Further, given that the parties were able to make progress toward resolution of the matter during the mediation, they are optimistic that an agreement will be reached at the settlement conference.

Therefore, the parties request that an Early Settlement Conference be scheduled within forty-five (45) days of entry of this Order.

Respectfully submitted,

Dated: November 3, 2009

By: /s/Adam Wang
ADAM WANG
Attorney for Plaintiffs

Dated: November 3, 2009

By: /s/ D. Austin Hare
D. AUSTIN HARE
Attorney for Defendants

[PROPOSED] ORDER

GOOD CAUSE APPEARING, and pursuant to the parties' stipulation and ADR Local Rule 7-2, IT IS HEREBY ORDERED that this matter be referred to an Early Settlement Conference before the Magistrate Judge Trumbull. Within ten (10) days from the date of this Order the parties shall contact Judge Trumbull's Chambers to schedule their conference.

Dated: November 19, 2009


JAMES WARE
United States District Judge